

REMARKS/ARGUMENTS

Reconsideration of the present application as amended is respectfully requested.

Claims 21-41 remain in this application. Claims 1-21 have been canceled. Claims 27-31 and 39-40 have been withdrawn. Claim 41 is new.

In the Office action mailed August 18, 2008 the Examiner found a lack of unity of invention in the claims set forth in Applicants' amendment filed June 9, 2008 and required election to a single species with regard to a groove filling material and a single species with regard to whether or not the groove filling material is birefringent. Claim 21 was found to be generic.

Applicants elect with traverse specie M related to Claim 26 drawn to a poly(naphthyl methacrylate) groove filling material and specie R related to new Claim 41, drawn to a non-birefringent groove filling material.

Applicants reserve the right to prosecute the subject matter of the non-elected claims in a divisional or other continuing application.

Applicants' traversal is based at least on the fact that the identified embodiments are so closely related that

the search and examination of the entire application can be made without serious burden.

MPEP § 803 - Restriction - When Proper reads:

... If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants' traversal is based at least on the fact that a search encompassing the embodiments of elected specie, as recited in Claims 26 and 41, are so closely related to withdrawn Claims 27-31, that the search and examination of the elected specie related to Claims 26 and 41 necessitates a search of the elements encompassed by the withdrawn Claims 27-31. In fact, due to the nature and relationship of the claim elements, a search of the elected Claims 26 and 41 will likely encompass prior art related to the withdrawn Claims 27-31. Accordingly, a search and examination of the entire application can be made without serious burden.

Based on the foregoing, Applicants respectfully request withdrawal of the restriction requirement and examination of the application on its merits are now respectfully requested.

Appl. No. 10/573,084
Amdt. dated Sep. 15, 2008
Reply to Office action of Aug. 18, 2008

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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